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TO

Extend to Municipal Corporations in Ireland certain privileges
now exercised and enjoyed by Municipal Corporations in
England. A.D. 1873.

WHEREAS before and at the time of the passing of the Acts Preamble.
for the regulation of municipal corporations in England and
Ireland, passed respectively for England in the sixth year of the
reign of His late Majesty King William the Fourth, and for Ireland
5 in the fourth year of the reign of Her Majesty the now Queen, the
municipal corporations of cities and towns which were counties in
themselves had, both in England and Ireland, enjoyed and exer-
cised from very ancient times and by virtue of ancient charters
and usages the privilege and right of appointing sheriffs for such
10 counties of cities and counties of towns: And whereas such right has
been preserved to and is now enjoyed by such corporations in England,
but has been taken away from those in Ireland, and it is expedient
to restore such right to municipal corporations in Ireland, and also in
other respects to enlarge and extend the privileges now enjoyed by
15 municipal corporations in Ireland in order more nearly to assimilate
them to those enjoyed by similar bodies in England and Scotland:

Be it enacted by the Queen's most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
20 authority of the same, as follows:

1. This Act may be cited for all purposes as "The Municipal
Privilege Act, Ireland, 1873." Short title of
Act.

2. "Borough" in this Act shall mean and include any city, town,
or borough in which a municipal corporation now exists or shall
25 hereafter exist, pursuant to any statute regulating municipal corpo-
rations in Ireland; and the word "mayor" shall, as to the city of
Dublin, mean and include the lord mayor. Interpreta-
tion of words.

3. On the second day of December immediately after the passing
of the Act, and on the first day of December in every year following,
[Bill 74.] A Corporation
of Dublin to
appoint
sheriff.

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or in case such day shall fall on a Sunday, then on the day after, the council of the city of Dublin shall appoint a fit person to execute the office of sheriff for the county of the city of Dublin, with the like duties and powers as the sheriff or person filling the office of sheriff would have had if this Act had not passed, and 5 the person so appointed shall, on the first day of January or so soon thereafter as he shall in manner herein-after mentioned have taken the oaths required by law, have and exercise the said office of sheriff until his successor shall have been appointed and likewise taken the oaths required by law. 10

Other corporations to appoint sheriffs.

4. Upon the first day of December in this and every succeeding year, or in case such day shall fall upon a Sunday, then upon the day following, the councils of the following cities and towns shall in like manner respectively appoint a fit person to be sheriff for the following counties respectively; that is to say, 15

The council of the city of Cork, for the county of the city of Cork;

The council of the city of Limerick, for the county of the city of Limerick;

The council of the city of Waterford, for the county of the city of 20 Waterford;

The council of the city of Kilkenny, for the county of the city of Kilkenny;

The council of the town of Drogheda, for the county of the town 25 of Drogheda;

The council of the city of Londonderry, for the county called the county of the city and county of Londonderry;

and each of the persons so appointed shall in like manner execute the office of sheriff of each of the said counties respectively, and shall enter on the said office on the first day of January following 30 his election, or so soon thereafter as he shall in manner herein-after mentioned have taken the oaths required by law, and shall hold office until the first day of January following, and until his successor shall have taken the said oaths.

Present sheriffs to continue in office until new appointments.

Vacancies to be filled.

5. The person now filling the office of sheriff in each of the 35 said counties shall continue to hold and execute same until the first of January next, and until a sheriff appointed under this Act shall have entered on his office and taken the oaths required by law.

6. If at any time after the passing of this Act a vacancy shall occur in the office of sheriff of any of the said counties, or if any 40 person appointed sheriff under this Act shall die or become incapable of acting before he enters on his office, the council to whom

the appointment of the said sheriff belongs shall, at a meeting duly convened by the mayor, appoint a fit person to fill the said vacancy or to be in the room and stead of the person so dying or becoming incapable.

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- 5 7. Every person appointed a sheriff by the council of any borough under this Act shall, before entering on the execution of his office, in manner following and not otherwise, take the oath heretofore and now required by law; that is to say, in lieu and
10 stead of taking the said oath before a baron of the Court of Exchequer, or other person by law empowered to administer the same, he shall, in an open and public meeting of the council of the borough, to be held at or after the time at which he is entitled to enter on his office, take upon himself the said office by making and sub-
15 scribing before the mayor or other person duly presiding the said oath, fairly written on parchment, as required by law, and shall also at the same time and in like manner subscribe a duplicate thereof, and one of the affidavits so subscribed shall be kept by the town clerk among the records of the said borough, and the other shall be lodged with the proper officer of the Court of Exchequer,
20 in the same manner as is now required by law, and any such sheriff acting before such affidavit is so lodged shall be liable to the same penalty as the person filling the office would have been if this Act had not been passed.

Sheriff to be sworn before mayor.

8. All laws and statutes now in force relating to the appoint-
25 ment of under-sheriffs shall apply to the appointment of an under-sheriff by any sheriff appointed under this Act, in the same manner as they would have done to any such appointment by the person filling the office if this Act had not been passed, save and except that every such under-sheriff shall take the oath required by law
30 in the manner herein-before appointed for sheriffs; provided also, that every sheriff appointed under this Act who shall nominate and appoint any person to be his under-sheriff shall, within one month after such appointment, in addition to lodging a duplicate of such appointment with the officer of the Court of Exchequer, as now
35 required by law, also lodge the same with the town clerk of the borough, and any sheriff failing so to do shall for such omission or neglect be liable to the same penalty to which a sheriff is now by law liable for neglecting or omitting to lodge a duplicate of such appointment with the proper officer of the Court of Exchequer.

Under-sheriff to be sworn in the same way.

- 40 9. The office of sheriff shall not be deemed to be an office of profit in the gift or disposal of or under the council of any borough within the meaning of any statute regulating municipal corporations in Ireland, nor shall any person, by reason of being appointed

Office of sheriff not to be deemed one of profit.

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to such office, be disqualified from being elected or being an alderman or councillor of such borough, nor shall any person be disqualified or incapacitated from being appointed sheriff by reason of his being such alderman or councillor.

Corporations to appoint clerk of the peace in counties of cities and towns;

10. Whenever after the passing of this Act a vacancy shall occur 5 in the office of clerk of peace for any of the counties herein-before mentioned the council of the borough to whom the appointment of sheriff for such county belongs shall appoint a fit person to be clerk of the peace during his good behaviour, and the person so appointed shall, while he continues to hold such office, have and 10 fulfil and exercise all the emoluments, rights, duties, and privileges of same as fully to all intents and purposes as the person filling such office would have done if this Act had not been passed.

and in boroughs with grant of separate quarter sessions.

11. The council of every borough to which a grant of a separate court of quarter sessions has been made shall in like manner appoint 15 a fit and proper person to be clerk of the peace during good behaviour whenever a vacancy shall occur in such office, and the council of every borough to which such grant shall hereafter be made shall, upon such grant being so made and whenever a vacancy shall occur in the office, in like manner appoint a fit 20 and proper person to be clerk of the peace during his good behaviour.

Provision as to Galway and Carrickfergus.

12. If at any time hereafter the town of Galway or the town of Carrickfergus, or either of them, shall obtain a charter of incorporation or become incorporated under the provisions of the Acts 25 regulating municipal corporations in Ireland, the council of the town of Galway shall appoint a fit person to be sheriff of the county of the town of Galway, and the council of the town of Carrickfergus shall appoint a fit person to be sheriff of the county of the town of Carrickfergus; and all the provisions herein-before con- 30 tained relative to the appointment of sheriffs in the counties herein-before mentioned shall be applicable to such appointments respectively, and whenever at any time thereafter a vacancy in the office of clerk of the peace shall occur in either of said counties or towns, the council of the town in which the vacancy shall so occur shall, 35 in the manner herein-before provided, appoint a fit and proper person to be such clerk of the peace during good behaviour.

Corporations may grant honorary freedom.

13. From and after the passing of this Act it shall be lawful for the council of any borough in Ireland to elect and admit any person to be an honorary burgess of such borough, but no person 40 so elected or admitted shall be entitled to vote at any election or to exercise any corporate privilege by reason of such election or admission; and no person, except the person himself who is so

electd and admittd, shall be entitld to make any claims by reason thereof, or to have or enjoy any right or claim by descent, inheritance, or otherwise; but in any case in which it is by law a necessary qualification for a corporate office that the person filling
5 same shall be on the burgess roll of the borough, any person electd and admittd as an honorary burgess shall be deemd and taken to possess such qualification.

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14. Whenever, after the passing of this Act, a vacancy shall occur in the office of recorder of the city of Dublin, it shall be
10 lawful for the council of the said city to nominate and appoint a fit and proper person, being a barrister of not less than six years' standing, to be recorder of the said city, and the person so nominated and appointed shall have all the powers, duties, jurisdiction, and emoluments by law appertaining to the said office, subject to
15 all the rules and provisions which would have applied to the person filling the office if this Act had not been passed.

Recorder of
Dublin to be
appointed by
cooperation.

Municipal Privileges (Ireland).

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To extend to Municipal Corporations in Ireland certain privileges now exercised and enjoyed by Municipal Corporations in England.

*(Prepared and brought in by
Mr. Butt and Mr. Parnell Smyth.)*

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[Bill 74.]

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